

HOUSE BILL 363

By Buck

AN ACT to amend Tennessee Code Annotated, Section 49-2-301, relative to elected superintendents of public instruction.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-301, is amended by adding the following new subsection:

(k)

(1) Notwithstanding the provisions of subsections (c), (d), (h), or (i) or any other provisions of Chapter 535 of the Public Acts of 1992 to the contrary, any county may re-establish the office of county superintendent of public instruction by a majority vote of the membership of the county commission. The office shall be filled by popular vote for a term of four (4) years. Elections shall be held at the regular August election. The person elected shall take office September 1 following the election. Candidates for the office shall meet all the requirements provided for in subsections (a) and (b) of this section. The superintendent of public instruction shall have all the powers provided to directors of schools and any reference to "director of schools" shall be deemed to be a reference to "superintendent" in those counties which restore this office.

(2)

(A) If the office of superintendent of public instruction is re-established, this shall not act to abridge the contractual term of any appointed director of schools. If a county chooses to conduct an election prior to the expiration of a contract, it is the responsibility of the county commission to satisfy any contractual obligation to an incumbent director of schools.

(B) No board of education shall appoint or extend the contract or term of a director of public schools after a county re-establishes the office of superintendent, but may appoint a qualified person as acting director until the office of superintendent is filled by the voters.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.